

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

DEDRICK LARON NORWOOD, # 152603

PLAINTIFF

VERSUS

CAUSE NO. 3:13cv606-TSL-JMR

SIMPSON COUNTY SHERIFF
DEPARTMENT, MARY WEATHERSBY, FRED
WILLIAMS, and DESMOND SMITH

DEFENDANTS

MEMORANDUM OPINION AND ORDER DISMISSING SHERIFF DEPARTMENT

This case is before the court sua sponte. Pro se plaintiff Dedrick Laron Norwood is incarcerated with the Mississippi Department of Corrections and brings this action challenging the conditions of his prior confinement at the Simpson County Detention Center. The court has considered and liberally construed the pleadings. For the reasons below, defendant Simpson County Sheriff Department is dismissed.

On April 12, 2013, Norwood was detained at the Simpson County Detention Center. On that day, he claims he was tasered for no reason. Although he was allegedly in pain and vomiting, he claims defendants then left him in a cell for three days, with no medical attention. He sues, among others, the Sheriff Department.

The Sheriff Department's capacity to be sued is determined by Mississippi law. Fed. R. Civ. P. 17(b)(3). In Mississippi, a sheriff's department is not a separate legal entity which may be sued, rather it is an extension of the county. Brown v.

Thompson, 927 So. 2d 733, 737 (¶12) (Miss. 2006). Therefore, the court dismisses the Sheriff Department. The remainder of the case will proceed.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated above, defendant Simpson County Sheriff Department should be and is hereby **DISMISSED**.

SO ORDERED, this the 21st day of October, 2013.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE